

Issue Paper Number 01-002



- ☐ Board Meeting
- ☐ Business Taxes Committee
- ☐ Customer Services and
Administrative Efficiency
Committee
- ☐ Legislative Committee
- ☒ Property Tax Committee
- ☐ Other

PROPERTY TAX COMMITTEE PROCEDURES MANUAL

I. Issue

Should the Board authorize publication of the proposed *Property Tax Committee Procedures Manual*?

II. Staff Recommendation

Staff recommends that the attached proposed *Property Tax Committee Procedures Manual* be adopted and authorized for publication.

III. Other Alternative(s) Considered

None

Issue Paper Number 01-002

IV. Background

Board of Equalization (Board) business is generally conducted in two forums: in regular meetings of the Board, and in meetings of the Board committees. Board committees are established by the Chair of the Board and function as standing committees of the Board. Each committee, whose membership is comprised of Board Members or their designated staff, is chaired by a Board Member. A Board committee recommendation is presented to the Board for approval during the Board's administrative session. Currently, there are four Board committees:

- Business Taxes Committee
- Customer Services and Administrative Efficiency Committee
- Legislative Committee
- Property Tax Committee

The Rules of Practice set forth procedures for conducting business at regular Board meetings. The Board of Equalization Administrative Manual (BEAM) contains a general description of Board committee procedures in section 0104.02, Board Committee Documentation, including:

- Document Approval Procedure
- Committee Agenda
- Status Reports
- Formal Issue Papers
- Committee Meeting Minutes
- Board Committee Document Distribution

This manual addresses the specific procedures and responsibilities for Property Tax Committee meetings.

V. Staff Recommendation

A. Description of the Staff Recommendation

The purpose and objectives of the Property Tax Committee (PTC) are to promote uniformity and consistency in property tax assessment and administration by providing guidance to assessors and their staff and other practitioners in this field through the adoption of the Assessors' Handbook, property tax rules, and other publications and instructions. PTC meetings are open to the public, and participation by assessors, county counsels, industry representatives, taxpayers, and other interested parties is encouraged. To further the objectives of the PTC and to document the general roles of participants involved in the process, staff proposes publishing the attached *Property Tax Committee Procedures Manual*.

B. Pros of the Staff Recommendation

- Informs assessors, taxpayers, customers, and other interested parties of the procedures and timeline for matters conducted before the PTC.

FORMAL ISSUE PAPER

- Documents in one publication the roles of participants so that everyone is adequately informed as to what is expected in the preparation and review of materials and in effectively taking part in the proceedings.

C. Cons of the Staff Recommendation

Formalizes PTC procedures and timelines in a manual format, thereby limiting maximum flexibility of the participants on a given matter and necessitating revisions for changing circumstances.

D. Statutory or Regulatory Change

No statutory or regulatory change is required, as the manual is advisory only.

E. Administrative Impact

- Staff will be required to distribute the *Property Tax Committee Procedures Manual* to Board Members, affected staff, and interested parties, and to make it available on the Board's Web site.
- Staff will be required to maintain the Manual, in response to Committee directives, and updating it for any procedural changes.

F. Fiscal Impact

1. Cost Impact

The cost to provide copies to Board Members, affected staff, and interested parties, and to make it available on the Board's Web site would be minimal and considered absorbable.

2. Revenue Impact

None

G. Taxpayer/Customer Impact

The publication of this *Manual* will place taxpayers and all participants on notice of their role in the preparation and review of materials to be discussed at PTC meetings and of the procedures and timing related to matters before the Committee.

H. Critical Time Frames

None

VI. Alternative 1

A. Description of the Alternative

Not applicable

Prepared by: Property Taxes Department, Policy, Planning, and Standards Division
Legal Division; Property Taxes Section

Current as of: January 24, 2001

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1 PROPERTY TAX COMMITTEE PROCEDURES
2 MANUAL

3 FEBRUARY 2001
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JAMES E. SPEED, EXECUTIVE DIRECTOR



DRAFT

1	BACKGROUND.....	3
2	ROLES AND RESPONSIBILITIES OF PARTICIPANTS.....	3
3	<i>Participants – In General.....</i>	<i>3</i>
4	<i>Committee Chair</i>	<i>4</i>
5	<i>Committee Members.....</i>	<i>4</i>
6	<i>Board Proceedings Division</i>	<i>4</i>
7	<i>Property Taxes Department</i>	<i>4</i>
8	<i>Legal Division</i>	<i>5</i>
9	<i>Agency Planning and Research Division.....</i>	<i>5</i>
10	<i>County Assessors, County Counsels, Assessment Appeals Boards, Representatives of</i>	
11	<i>Industries and Organizations, Taxpayers, and Other Interested Parties</i>	<i>6</i>
12	ACTIVITIES PRIOR TO THE PTC MEETING.....	6
13	<i>Committee Projects – In General.....</i>	<i>6</i>
14	<i>Project Analysis and Development of Mailing List.....</i>	<i>7</i>
15	<i>Announcing Projects and Suggestions for Content.....</i>	<i>8</i>
16	<i>Preparation and Circulation of Draft Documents</i>	<i>8</i>
17	<i>Draft Finalization and Alternative Language Development Period.....</i>	<i>8</i>
18	<i>Late Submissions</i>	<i>10</i>
19	<i>Formal Issue Papers</i>	<i>10</i>
20	<i>Formal Clearance and Distribution.....</i>	<i>11</i>
21	<i>Notice of Meeting and Circulation of Materials</i>	<i>11</i>
22	PTC MEETING PROCEDURES	12
23	<i>Meeting Procedures – In General.....</i>	<i>12</i>
24	<i>Presentation of Issues and Discussion.....</i>	<i>12</i>
25	<i>PTC Action, Recommendation, and Meeting Minutes</i>	<i>12</i>
26	POST PTC MEETING ACTIVITIES AND PROCEDURES	13
27	<i>Procedures – In General.....</i>	<i>13</i>
28	<i>Implementation of Board-Adopted Action.....</i>	<i>13</i>
29	APPENDIX A: RULES OF ORDER.....	15
30	APPENDIX B: TYPICAL PROJECT TIMETABLES	17
31	<i>Assessors' Handbook Section Revisions.....</i>	<i>17</i>
32	<i>Assessors' Handbook Section Updates.....</i>	<i>18</i>
33	<i>Property Tax Rule Projects</i>	<i>19</i>
34	APPENDIX C: BOARD OF EQUALIZATION ADMINISTRATIVE MANUAL SECTION	
35	7050.....	20
36	APPENDIX D: BOARD OF EQUALIZATION ADMINISTRATIVE MANUAL SECTION	
37	0104.2.....	21

DRAFT

1 BACKGROUND

2 The purpose and objectives of the Property Tax Committee (PTC) are to promote uniformity and
3 consistency in property tax assessment and administration by providing guidance to assessors and
4 their staff and other practitioners in this field through the Assessors' Handbook, property tax
5 rules, and other written instructions.¹ PTC meetings are open to the public, and participation by
6 county assessors, county counsels, assessment appeals boards, industry and organization
7 representatives, taxpayers, and other interested parties is encouraged.

8
9 Board of Equalization (Board) business relating to property taxes is generally conducted in two
10 forums: in regular meetings of the Board, and in meetings of the PTC. The Rules of Practice² set
11 forth procedures for conducting business at regular Board meetings. This manual addresses the
12 procedures and responsibilities for PTC meetings.

13
14 The intent and purpose of this manual is to convey the usual practices and procedures employed
15 to achieve the overall objectives of the PTC. These practices and procedures are general
16 guidelines, not binding on the PTC, and may be adjusted in any manner for a specific project as
17 necessary and appropriate. The information contained in this manual is advisory only and the
18 specific timing, objectives, scheduling, and other procedural details related to a particular project
19 will be conveyed to the public in the letter announcing the project or in subsequent
20 communications with participants.

25 ROLES AND RESPONSIBILITIES OF PARTICIPANTS

26 PARTICIPANTS – IN GENERAL

27
28 The key participants in the PTC meeting process are:

- 29 • Committee Chair
- 30 • Committee Members
- 31 • Board Proceedings Division
- 32 • Property Taxes Department
- 33 • Legal Division
- 34 • Agency Planning and Research Division

¹ Other written instructions may include Letters To Assessors (LTA). However, LTAs typically do not go before the PTC for approval.

² The Rules of Practice (i.e. California Code of Regulations, Title 18, Division 2, Chapter 10, Regulations 5010-5087) can be viewed on the Board's Web site at (<http://www.boe.ca.gov>) under Property Tax Law Guide, Hearing Procedure Guidelines.

DRAFT

- County Assessors, County Counsels, Representatives of Industries and Organizations, Taxpayers, and Other Interested Parties

COMMITTEE CHAIR

PTC meetings are held monthly throughout the year. PTC meetings are scheduled in conjunction with Board meetings in Sacramento. The Committee Chair presides over meetings in accordance with the Rules of Order,³ determines the subject matter for discussion, the order of presentation, and generally controls the proceedings.

The Committee Chair, in conjunction with the staff of the Property Taxes Department and the Legal Division, determines the PTC Work Plan for the year and related agenda items for each PTC meeting. The Committee Chair reviews and approves PTC meeting minutes to be presented to the Board for approval.

COMMITTEE MEMBERS

In their capacities as Committee Members, the other Board Members or their designated staff submit suggested agenda items to the Committee Chair, review materials submitted to the PTC, and hear presentations/statements from staff and interested parties during the PTC proceedings. They decide on recommendations to the Board on issues before the PTC.

BOARD PROCEEDINGS DIVISION

Every September, the Board Proceedings Division, with the approval of the Board, establishes the calendar for the Board meetings in the ensuing calendar year. This function includes setting up the PTC meeting dates and times. Typically the PTC meetings are held on Wednesday of the Board meeting week.

During the Board's Administrative Session, the PTC meeting minutes are presented to and approved by the full Board. The Chief of the BPD certifies the minutes by signing the document.

PROPERTY TAXES DEPARTMENT

Each fall, the Property Taxes Department (Department), under the direction of the Deputy Director for Property Taxes, identifies current property tax issues and areas where guidance is necessary, and presents to the Committee Chair a proposed PTC Work Plan for the ensuing year. Upon approval by the Committee Chair, the Department prepares the detailed PTC Work Plan.

Designated Department staff prepares meeting and other time schedules, conducts research, works with interested parties, and drafts documents including a matrix of the issues. Formal issue papers on unresolved issues scheduled for discussion or decision at the PTC meetings are drafted through the joint effort of the Department and Legal staff. During the preparation process prior to

³ Adopted by the Board on June 29, 1995; amendments adopted by the Board on August 22, 1996—see Appendix A.

DRAFT

the PTC meeting, the Department and Legal Division staff conduct meetings with interested parties to discuss and/or resolve issues. If a revenue estimate is needed, staff requests an estimate be completed by the Agency Planning and Research Division's Statistics Section.

The Department staff is responsible for submitting an agenda and all relevant materials to the Committee Members for review at least 10 calendar days prior to the PTC meeting date. In general, a representative of Department Management has primary responsibility for oral presentation and discussion of agenda items before the PTC. Where the matter being presented involves legal issues, the Legal Division may have primary responsibility for the oral presentation. On many occasions, the Department and the Legal Division will share responsibility for presenting the staff position and answering questions.

The Department staff has primary responsibility for preparing the PTC meeting minutes for approval by the Board.

LEGAL DIVISION

The Legal Division provides advice to the Committee Members and acts as staff counsel to the Department on legal issues coming before the PTC. Certain PTC projects that involve the amendment or drafting of new regulations, manuals or publications discussing legal procedures (including taxpayer appeals), jurisdictional issues, or other legal matters are the primary responsibility of the Legal Division.

In all PTC matters, the Legal Division is primarily responsible for preparation and presentation of legal issues before the PTC regarding interpretations and issues relating to constitutional, statutory, regulatory and case law and other legal precedents or pending litigation. In addition, the Legal Division has responsibility for participating with the Department in the oral presentation and discussion of issue papers and all agenda items before the PTC.

The Legal Division works closely with the Department staff in drafting, reviewing, and editing documents submitted to the PTC, as well as reviewing and analyzing interested parties' comments and alternative language for draft documents. The Legal Division is also involved in the internal review and approval process for all issue papers to be presented to the PTC.

AGENCY PLANNING AND RESEARCH DIVISION

The Agency Planning and Research Division (APRD), among other things, maintains an official agency file of all formal issue papers, issues control numbers for all formal issue papers, and, when necessary, provides staff with revenue impact analyses.

When an issue scheduled for discussion before the PTC involves a proposed new or amended regulation or a significant proposed new or revised policy or procedure, the materials are submitted generally in a formal issue paper and must include a clear statement of the revenue impact that will occur for staff's recommendation and all alternatives considered. The Research and Statistics Section of APRD is responsible for the preparation of the revenue analysis.

DRAFT

Formal issue papers are maintained in an official agency file within the Strategic Planning and Program Development Section (SPPDS) of the APRD, and are numbered for storage and retrieval purposes. The SPPDS maintains a log and stores and retains final copies of all formal issue papers as well as the supporting documentation for the Executive Review (See Appendix C, Formal Issue Papers, for a description of the Executive Review). The SPPDS also provides a control number for the formal issue paper prior to its Executive Review.

COUNTY ASSESSORS, COUNTY COUNSELS, ASSESSMENT APPEALS BOARDS, REPRESENTATIVES OF INDUSTRIES AND ORGANIZATIONS, TAXPAYERS, AND OTHER INTERESTED PARTIES

County assessors, county counsels, assessment appeals boards, industry and organization representatives, taxpayers, and any other interested parties are encouraged to participate by attending meetings with the staff, providing comments, and submitting alternative and/or draft language on matters before the PTC. They may also make oral presentations before the PTC to support or provide clarification on their position, staff's recommendation, or to advocate the adoption of other alternative(s). Parties who address the Board during the PTC meeting should, for the record, in their initial comments identify themselves and the organizations or individuals which they represent.

ACTIVITIES PRIOR TO THE PTC MEETING

COMMITTEE PROJECTS – IN GENERAL

The Committee Chair, in consultation with other Committee Members, the Property Taxes Department, and the Legal Division, determines what projects will be scheduled for discussion at the PTC meetings. Once the Committee Chair approves the topics for the PTC meetings, the Department staff develops a timeline with specific deadlines and milestones for the process. Department staff then prepares and distributes to county assessors and interested parties (including placement on the Board's Internet Web site), a Letter To Assessors (LTA) advising of the proposed PTC Work Plan and associated project schedules for the year. Project deadlines and milestones are incorporated into two calendars, one by subject matter and the other by month.

The Work Plan announced in the LTA is only a proposed plan and is not binding on the PTC. The Work Plan is not a formal PTC agenda; rather, it is a summary of the committee's plans for dealing with significant property tax issues. The Committee Chair may authorize changes to the PTC Work Plan as need arises. The PTC Work Plan is available on the Board's Web site at (<http://www.boe.ca.gov>).

Five working days in advance of the publication date of the Public Agenda Notice for the Board meeting, the Deputy Director, Property Taxes Department or designated staff, sends a draft of the

DRAFT

PTC agenda to the Committee Chair. The Committee Chair approves or modifies the agenda and notifies the Deputy Director. The designated staff from the Department will inform the Board Proceedings Division of the agenda items, the preferred time slot, and the estimated duration of the PTC meeting, for placement on the Public Agenda Notice. The agenda will be distributed 10 calendar days prior to the PTC meeting by the designated staff. Typically, items on the PTC agenda include discussion and approval of Assessors' Handbook sections, property tax rules, and other matters. In addition, the Department staff prepares a detailed schedule of the project for internal monitoring purposes, showing the duration, the due date, and the assigned staff for each task in the process. The purpose of this schedule is to verify the status of the project at any given point in time, to determine that the tasks are on schedule, and to ensure deadlines are met.

The text of this manual focuses on the process for developing a new and/or revising an existing Assessors' Handbook section or property tax rule. Other matters before the PTC generally follow similar procedures, although the process may be less comprehensive within a shorter timeframe.

Appendix B provides the general timeframes and steps involved for Assessors' Handbook revisions and property tax rule projects.⁴ These general timelines provide guidelines only, and may change as circumstances dictate.

Following are descriptions of the steps involved in the preparation and review of materials prepared for the PTC. This process, which generally encompasses 360 calendar days for handbook section revisions, 285 calendar days for handbook section updates, and 315 calendar days for property tax rule projects, is also summarized on a chart in Appendix B: Typical Project Timetables.

PROJECT ANALYSIS AND DEVELOPMENT OF MAILING LIST

In developing a new handbook section or a property tax rule or revising an existing publication or rule, staff determines the scope of the project, the primary audience of the handbook or rule, and parties that may have interest or potential input in the project.

Determining the scope entails a general overview of the topics, in-depth analysis of topics, etc. For example, developing a new or totally revising an existing handbook is extensive in scope; while updates of handbooks are limited in scope and typically necessary due to changes to the Revenue and Taxation Code, property tax rules, or Board policies and practices. An update will not include revisions beyond the scope of the project.

After the scope of the project is determined, staff develops an interested parties mailing list to be used in distribution of all materials related to the project. Staff may develop this list by contacting the California Assessors' Association, County Counsels' Association of California – Tax Section, California Taxpayers' Association, and any organizations that are specific to the topic(s) of the project. Staff also uses such sources as the Internet, lobbyist lists, and various

⁴ A "revision" is generally a total rewrite of the handbook section, whereas an "update" is limited in scope and confined to the chapters, pages, paragraphs, or lines of text that have been identified by Department staff. Updates are generally necessary due to changes in law or Board policy or procedures.

DRAFT

associations and organizations and their memberships. Additionally, Board Members and their staff may have names of interested parties who want to be added to the list. Interested parties typically include county assessors, county counsels, assessment appeals boards, industry and organization representatives, taxpayers and other interested parties.

ANNOUNCING PROJECTS AND SUGGESTIONS FOR CONTENT

An LTA is sent to assessors and others on the interested parties mailing list announcing the commencement of the project and soliciting topics for inclusion in the handbook section or suggested language for the property tax rule.⁵ The LTA will advise recipients of the project schedule and deadlines for comments. The announcement provides interested parties an opportunity to provide input on the content of the project at its inception.

PREPARATION AND CIRCULATION OF DRAFT DOCUMENTS

In preparing the new draft handbook or rule, staff begins by developing a subject matter outline. The outline is a starting point or a guide for the drafting process, but is not a binding table of contents. The staff can add to, change the wording of, and/or rearrange items as deemed appropriate. Staff incorporates suggestions received from interested parties, as appropriate. In addition, staff may schedule meetings with county assessors, county counsels, assessment appeals boards, industry and organization representatives, taxpayers and other interested parties to discuss the outline, add additional topics, and identify areas of concern.

Draft handbook, rules, and other publications are typically presented as an entire document, with page and line numbers for identification. Once the draft is completed and printed, it is mailed to the interested parties mailing list with a cover letter that specifies the comment period. The draft is also posted on the Board's Web site at (<http://www.boe.ca.gov>) for public viewing and downloading.

DRAFT FINALIZATION AND ALTERNATIVE LANGUAGE DEVELOPMENT PERIOD

The purpose and goals of this period are to: 1) provide interested parties with an opportunity to review the draft document and propose changes, 2) produce a final draft document to be presented to the PTC with as much agreement among parties as possible, and 3) provide the PTC with alternative language for any unresolved issues. The following steps are used to achieve the purpose and goals:

- Interested Parties Review and Comment Period
- Staff Analysis of Proposed Revisions – Matrix of Proposed Changes
- Meeting with Interested Parties Regarding Proposed Changes
- Final Comment Period on Pending Issues

⁵ For handbook section updates, the letter announcing the project will describe the scope of the project and will typically include a summary of the changes proposed by staff.

DRAFT

Interested Parties Review and Comment Period

Interested parties are provided an opportunity to comment on and to offer proposed changes on the draft document. Proposed changes should be in the form of alternative text and reference the appropriate page and line numbers of the draft document. Since the PTC Members ultimately expect alternative language in order to decide what the document should say, staff provides interested parties with guidance and assistance in drafting proposed language revisions as appropriate. Interested parties are encouraged to meet with staff at the earliest possible time to identify issues and draft proposed language revisions. Proposed changes from all interested parties should be provided within the comment period. The comment period is generally 60 days and is specified in the letter transmitting the draft document. The following guidelines have been established for interested parties to provide comments during the review period.

As a general rule, 60 calendar days is allowed from the mailing date of the draft handbook section to the deadline for interested parties to provide written comments, proposed revisions and other changes to staff. In contrast, for handbook section updates and property tax rule revisions, generally 45 calendar days is allowed from the mailing date of the draft for interested parties to review and provide proposed changes. In all cases, interested parties are expected and encouraged to identify proposed changes during this period. One of the main objectives of this comment period is to exhibit on a matrix for public viewing all interested party comments, proposed revisions, and changes received, in a format that highlights any unresolved issues or differences of opinion. As such, the matrix is distributed to all interested parties and is intended to provide all parties an opportunity to review proposed changes and prepare for the interested parties meeting.

To ensure that all interested parties are given an opportunity to review proposed changes and sufficient time to prepare for the interested parties meeting, it is essential to submit proposed changes within the comment period. Only timely submissions enable staff to fully exhibit in the matrix and respond to each change advocated by various interested parties.

Staff Analysis of Proposed Revisions – Matrix of Proposed Changes

The staff reviews and analyzes comments and proposed changes received from interested parties. Changes which the staff deems appropriate are incorporated into the text of the draft document. If there are extensive changes made to the first draft, a second draft may be circulated, if time permits or if the Committee Chair grants a time extension.

Staff prepares a matrix to summarize the proposed changes and staff's response and/or comments on each proposal. The matrix is used as a basis for the agenda for the meeting with interested parties. Items identified on the matrix are discussed at the interested parties meeting. Staff mails the matrix to interested parties at least two weeks prior to the interested parties meeting. The matrix is also posted on the Board's Web site at (<http://www.boe.ca.gov>).

DRAFT

Meeting with Interested Parties Regarding Proposed Changes

The purpose of the interested parties meeting is to reach as much agreement as possible concerning the final wording of the draft handbook section, rule, or publication. Any unresolved issues and wording differences will be presented to the PTC for decision.

To ensure that all interested parties have had an opportunity to review proposed revisions, the discussion at the meeting is generally limited to those items identified on the matrix. However, it is appropriate for interested parties to bring up revisions necessary to correct information inadvertently omitted and/or address language or other matters that require clarification. At the meeting, staff and interested parties work together in an effort to finalize language resulting in a general consensus concerning the document.

Final Comment Period on Pending Issues

As a general rule, 16 calendar days is a sufficient time period after the date of the interested parties meeting for all parties to submit final comments on pending unresolved issues and to provide support for their position. During that 16-day period following the meeting, the parties may correspond with Department staff to provide support or clarification on the issues. Comments and revisions considered by the staff are limited to those items identified on the matrix and discussed at the interested parties meeting (with the exception of grammatical or technical changes). Interested parties are also encouraged in their efforts to reach a consensus regarding unresolved issues during this time.

LATE SUBMISSIONS

If a submission is received too late to address in the formal issue paper, staff acknowledges the submission, informing the interested party that a copy of the submission will be provided to Committee Members and all affected staff. In order to indicate to the Committee Members why the submission is not addressed in the formal issue paper, the fact that the submission was received after the last day for the interested parties' response will be shown on a route slip accompanying the copy of the letter/submission.

FORMAL ISSUE PAPERS⁶

Once the issues to be presented to the PTC are identified, the staff prepares a formal issue paper on each issue. In addition, if an issue has a revenue impact, the Department staff works with the staff of the Research and Statistics Section, Agency Planning and Research Division, to obtain the revenue estimates needed for the issue paper. In presenting the views of interested parties, staff exhibits the parties' alternative language and summarizes their contentions.

⁶ See Appendix C, BEAM section 7050, for a description of Formal Issue Papers.

DRAFT

As a general rule, 21 days is sufficient time for staff to prepare the issue paper before submitting it to management for internal approval. All issue papers are circulated to other Board departments and divisions for review and formal clearance.

After these issue papers are approved through the formal clearance process (see below), they are submitted to the Property Taxes Department Deputy Director along with any supporting documentation and/or other relevant materials to be presented to the PTC. The public notice deadline for submitting material for the PTC meeting is 10 calendar days prior to the meeting date. Issue papers are posted on the Board Web site at (<http://www.boe.ca.gov>).

FORMAL CLEARANCE AND DISTRIBUTION

After the formal issue paper and related exhibits are approved for clearance by the Property Taxes Department Deputy Director, they are placed into the formal executive review pursuant to the procedures and guidelines prescribed in the Board's Administrative Manual (BEAM), Part V, Section 7050, Appendix C. Section 7050 requires that all members of the Executive Director's Group review formal issue papers prior to distribution and presentation to the PTC. Following such review, they are distributed to Board Members and interested parties no later than 10 days prior to the PTC meeting, along with an Issue Agenda.

NOTICE OF MEETING AND CIRCULATION OF MATERIALS

The Department maintains a mailing list for the distribution of PTC agendas and other materials.⁷ Any person shall be added to the list upon request. This list is in addition to the list maintained by the Board Proceedings Division, and may be different from the interested parties mailing list.

The Department distributes a copy of the PTC agenda to persons on the mailing list 10 calendar days in advance of the PTC meeting. In addition, all materials relating to items placed on the PTC agenda will be sent to Committee Members and made public 10 calendar days prior to the PTC meeting. Issue papers are available for public viewing and posted on the Board's Web site 10 calendar days prior to the meeting.

The procedure for all written materials prepared by staff for PTC action follows the prescribed format for formal issue papers. The staff may attach a matrix summarizing the issues and positions submitted by the parties in order to facilitate the discussion during the PTC meeting. Other materials generally include alternative language to staff's draft, as proposed by interested parties, as well as other pertinent comments and correspondence.

⁷ The list is referred to as the Property Tax Committee mailing list.

DRAFT

PTC MEETING PROCEDURES

MEETING PROCEDURES – IN GENERAL

The Committee Chair presides over and conducts the PTC meeting. If the Committee Chair is absent, a designated Chair is selected pursuant to the Rules of Order.⁸ The Committee Chair recognizes other Committee Members who wish to speak. The Committee Chair has the same right to make or second a motion or to debate as the other Committee Members. The Committee Chair may ask whether there is a motion and a second to bring a matter to vote or may move or second a motion to bring a matter to vote. The Committee Chair takes up the items of business in the order listed in the published agenda. However, when warranted, the Committee Chair may modify the order of business.

Pursuant to section (d) of the Rules of Order, Committee Members must be recognized by the Committee Chair in order to speak on any matter or to make a motion. All motions require a second by another Committee Member. If there is no second, the motion dies. However, raising a parliamentary question or point of order is not a motion and does not require a second. Members may withdraw a motion or a second at any time prior to the start of the roll call for vote on that motion. Discussion of a matter is permitted while no motion is pending. However, discussions are confined to the current matter pending before the PTC.

Unless there is unanimous consent, voting on a matter is by roll call. A motion calling for a vote is not in order until the Member who wishes to do so has had an opportunity to speak on the issue.

PRESENTATION OF ISSUES AND DISCUSSION

The Deputy Director, Property Taxes, or his/her designee is responsible for the presentation of the issues before the PTC. The PTC meeting generally begins with the Department and/or the Legal Division reporting to the PTC the nature and status of each issue on the PTC agenda. The staff also will present their views and recommendation to the PTC. The Committee Chair then calls on interested parties to present their positions on the subject matter being discussed. The Committee Chair and Committee Members may ask questions and present their views during the PTC discussion.

PTC ACTION, RECOMMENDATION, AND MEETING MINUTES

The discussion generally concludes with the Committee Chair or a Committee Member introducing a motion for a specific recommendation for Board action. Unless there is unanimous consent, the necessary roll call vote is taken and the next action or discussion item is considered until all agenda items are discussed and voted upon.

⁸ Adopted by the Board on June 29, 1995, amendments adopted by the Board on August 22, 1996—see Appendix A.

DRAFT

At the conclusion of the PTC meeting, Board Committee Meeting Minutes are prepared by the Department staff. The minutes should comply with the format prescribed by "Committee Meeting Minutes" of section 0104.2 of the Board of Equalization Administrative Manual, Appendix D. The minutes should include a description of the issue, the PTC discussion, and the PTC recommendation. Appropriate departmental staff, the Deputy Director, Property Taxes, and the Assistant Chief Counsel for Property Taxes, approve the draft minutes. The minutes are then submitted to the Board's Executive Director and Committee Chair for approval and signature. The signed minutes are provided to the Board Proceedings Division for distribution to the Board for approval at its administrative session.

Audiotapes of the PTC meeting can be obtained upon request from the Property Taxes Department and meeting minutes are available on the Board's Web site at (<http://www.boe.ca.gov>).

POST PTC MEETING ACTIVITIES AND PROCEDURES

PROCEDURES – IN GENERAL

The recommendations of the PTC are presented to the Board for approval during the Board's Administrative Session, generally the last day of the Board meeting week in Sacramento, under "Committee Reports." The Board may approve, disapprove, or modify the PTC recommendation.

Following Board action at the Administrative Session, the Chief, Board Proceedings Division certifies the Board action by signing the PTC minutes document. The Board Proceedings Division returns the original of the PTC minutes labeled "Board Adopted" (or "Adopted, except....") to the Department staff.

IMPLEMENTATION OF BOARD-ADOPTED ACTION

Generally, Property Taxes Department staff together with the Legal Division are responsible for the implementation of the Board's action. Such responsibilities generally include the preparation of:

- New Regulation or Amendment and Final Statement of Reasons for its adoption
- Letter To Assessors conveying the Board's action for distribution to assessors and interested parties
- County Assessors Only letters conveying the Board's action for distribution to assessors only
- Operations Memos to explain the effects of the new policy or procedure to Board staff
- Revisions of the Assessors' Handbook sections, publications, and other documents

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- Revisions of publications including staff training materials
- News releases to the public
- Revision of Board-prescribed forms

Property Taxes Department staff with assistance from the Legal Division also reviews annotations⁹ to determine if one or more annotations have been rendered obsolete or in need of updating in light of Board-adopted recommendations or decisions of the PTC. Both Department staff and the Legal Division may also be involved in seminars presented to specific industries to introduce and explain regulatory changes, policies, or procedures resulting from Board-adopted PTC decisions.

If the Board-adopted recommendation of the PTC involves an amendment to an existing regulation or a proposed new regulation, implementation will not occur until the regulation becomes effective after the Office of Administrative Law approves the proposed regulation amendments or new regulation and it is filed with the Secretary of State.

⁹ The definition, elements, use, and publication of "annotations" are contained in California Code of Regulations, Title 18, Division 2, Chapter 10, Regulation 5200. Regulation 5200 can be viewed on the Board's Web site at (<http://www.boe.ca.gov>) under Property Tax Law Guide, Hearing Procedure Guidelines.

APPENDIX A: RULES OF ORDER

A. Purpose of the Rules of Order

In general, the proceedings of the Board are governed by regulations found in Title 18 California Code of Regulations 5010 et seq. The Rules of Order are intended to provide for the orderly conduct of Board meetings in those procedural matters not covered by the Constitution, statutes or regulations.

B. Duties of the Chair

1. The Chair shall preside at all meetings of the Board. It is the responsibility of the Chair to conduct the meeting in an orderly manner.
2. In the absence of the Chair, the Vice-Chair shall preside and exercise all the powers and duties of the Chair. If there is a quorum present, and both the Chair and the Vice-Chair are absent, the members present may agree upon a member to preside and serve as temporary Chair.
3. The Chair shall recognize other members who wish to speak.
4. The Chair has the same right to make or second a motion or to debate as the other members. The role of the presiding officer need not be assigned to another member while the Chair exercises these rights.
5. The Chair may ask whether there is a motion and a second to bring a matter to a vote, or may move or second a motion to bring a matter to a vote.

C. Order of Business

The Chair will take up the items of business in the order listed in the published agenda. However, when the circumstances warrant, the Chair may modify the order of business.

D. Obtaining the Floor

Member must be recognized by the Chair in order to speak on any matter or to make a motion.

E. Motions

1. All motions by a member require a second by another member. If there is no second, the motion dies. However, raising a parliamentary question or point of order is not a motion, and therefore, does not require a second.
2. A member may withdraw a motion or a second at any time before the roll call for the vote on that motion begins.

F. Debate

1. Discussion of a matter is permitted while no motion is pending.
2. Except as set forth in the regulations, until such time as a motion to vote on the pending matter has been made and seconded, any member may be recognized and speak on a pending matter.
3. Debate shall be confined to the current matter pending before the Board.

G. Voting and Calling a Vote

1. Unless there is unanimous consent, voting is by roll call.
2. A motion calling for a vote on a pending matter is not in order until each member who wishes to do so has had an opportunity to speak on the issue.
3. A motion calling for a vote is not debatable.

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H. Point of Order

1. A point of order is the device used to require a deliberative body to observe its own rules and to follow established parliamentary practice. Any member may raise a point of order at any time.
2. The Chair shall rule on a point of order.
3. The members may challenge the Chair's decision regarding a point of order by putting the matter to a vote. The affirmative vote of a majority of a quorum will overrule the decision of the Chair regarding a point of order.
4. Before a decision is made regarding a point of order, any member may request the advice or opinion of the Chief Counsel or the Chief Counsel's designee.

I. Exhibits

1. At the conclusion of debate, any materials presented by any party which have been marked as exhibit(s) during the pending matter and which the party elects to be entered into the record must be moved into evidence.
2. The Chair shall ask the parties if the exhibit(s) are submitted. Each party must make a motion to move the exhibit(s) into evidence.
3. If there are no objections, the exhibit(s) will be entered into evidence and made part of the record of the pending matter.
4. If any member or party objects to the admission of evidence, the question shall be discussed and voted upon pursuant to these Rules.

J. Committee Procedures

1. If a committee meeting is to be held, it should be scheduled in conjunction with a Sacramento Board meeting, absent exceptional circumstances (which shall be approved in advance by the Board).
2. Agenda items for the committee meetings are determined by the committee chair in consultation with the committee staff person. Board Members must submit agenda items for inclusion in the agenda to the committee staff person, in consultation with the committee chair.
3. All committee minutes shall be submitted to the Board for approval at the Administrative Session of the Board meeting, discussed and voted on pursuant to these rules.
4. It is the Board Chair's prerogative to establish new standing advisory committees, subcommittees, or special advisory committees.

K. Suspension of the Rules

Any Rule of Order may be suspended in connection with the consideration of a matter before the Board by the affirmative vote of a majority of a quorum.

L. Amendment of the Rules

Any Rule of Order may be amended at any regular meeting of the Board by the affirmative vote of a majority of a quorum, provided that notice of any proposed amendment is given pursuant to Government Code section 11125.

DRAFT

1 APPENDIX B: TYPICAL PROJECT TIMETABLES

2 ASSESSORS' HANDBOOK SECTION REVISIONS

STEP NO.	STEPS TO BE COMPLETED	DAYS TO COMPLETE STEP	DAYS BEFORE COMMITTEE MEETING TO COMPLETE STEP
1	Staff mails to county assessors and interested parties an LTA advising recipients of handbook section revision project, project schedule, and inviting parties to submit suggestions for content. Staff begins research and analysis to revise handbook.		360
2	Assessors and interested parties submit suggestions for content.	Minimum 30 days between steps 1 and 2	330
3	Staff prepares and mails assessors and interested parties a draft of the handbook section.	145 days between steps 2 and 3	185
4	Assessors and interested parties review staff's draft and submit proposed changes in the form of alternative text.	60 days between steps 3 and 4	125
5	After reviewing proposed changes, staff prepares and mails an agenda matrix for the interested parties meeting. The agenda matrix lists all proposed changes to the draft and staff's response to the each proposed change.	45 days between steps 4 and 5	80
6	Staff meets with assessors and interested parties to discuss proposed changes to the text of the handbook section.	Minimum 14 days between steps 5 and 6	66
7	Assessors and interested parties submit final comments on pending issues. Comments or alternative language is limited to those items that were discussed at the interested parties meeting and identified on the agenda matrix.	16 days between steps 6 and 7	50
8	Staff prepares and submits a formal issue paper incorporating a complete description of staff and interested parties' positions and submits the formal issue paper to management for approval.	21 days between steps 7 and 8	29
9	Internal clearance completed. Formal issue paper submitted for reproduction and distribution in order to meet the 10-day notice requirement.	15 days between steps 8 and 9	14
10	Property Tax Committee hears presentations on unresolved issues regarding the wording of the revised handbook section and adopts recommendations for the Board's consideration.	14 days between steps 9 and 10	0

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ASSESSORS' HANDBOOK SECTION UPDATES

STEP NO.	STEPS TO BE COMPLETED	DAYS TO COMPLETE STEP	DAYS BEFORE COMMITTEE MEETING TO COMPLETE STEP
1	Staff begins research and analysis to incorporate necessary changes for the handbook section update.		285
2	Staff mails to county assessors and interested parties an LTA advising recipients of update project, scope of update, and project schedule. Staff prepares and distributes a draft and/or matrix summarizing staff's proposed language for the update; changes are identified in strikeout and underline format.	Minimum 115 days between steps 1 and 2	170
3	Assessors and interested parties review staff's proposed language and submit proposed changes in the form of alternative text.	45 days between steps 2 and 3	125
4	After reviewing proposed changes, staff prepares and mails an agenda matrix for the interested parties meeting. The agenda matrix lists all proposed changes to the draft and staff's response to the each proposed change.	45 days between steps 3 and 4	80
5	Staff meets with assessors and interested parties to discuss the proposed changes to the updated text of the handbook section.	Minimum 14 days between steps 4 and 5	66
6	Assessors and interested parties submit final comments on pending issues.	16 days between steps 5 and 6	50
7	Staff prepares and submits a formal issue paper incorporating a complete description of staff and interested parties' positions and submits the formal issue paper to management for approval.	21 days between steps 6 and 7	29
8	Internal clearance completed. Formal issue paper submitted for reproduction and distribution in order to meet the 10-day notice requirement.	15 days between steps 7 and 8	14
9	Property Tax Committee hears presentations on unresolved issues regarding the wording of the updated handbook and adopts recommendations for the Board's consideration.	14 days between steps 8 and 9	0

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PROPERTY TAX RULE PROJECTS

STEP NO.	STEPS TO BE COMPLETED	DAYS TO COMPLETE STEP	DAYS BEFORE COMMITTEE MEETING TO COMPLETE STEP
1	Staff mails to assessors and interested parties an LTA advising recipients of proposed new rule or rule revision project, project schedule, and inviting parties to submit suggestions for content. Staff begins research and analysis to revise rule.		315
2	Assessors and interested parties submit suggestions for content.	Minimum 30 days between steps 1 and 2	285
3	Staff mails assessors and interested parties a draft of the proposed new or revised rule(s).	Minimum 115 days between steps 2 and 3	170
4	Assessors and interested parties review staff's draft of the proposed new or revised rule and submit proposed changes in the form of alternative text.	45 days between steps 3 and 4	125
5	After reviewing proposed changes, staff prepares and mails an agenda matrix for the interested parties meeting. The agenda matrix lists all proposed changes to the draft and staff's response to the each proposed change.	45 days between steps 4 and 5	80
6	Staff meets with assessors and interested parties to discuss proposed changes to the rule(s) language.	Minimum 14 days between steps 5 and 6	66
7	Assessors and interested parties submit final comments on pending issues.	16 days between steps 6 and 7	50
8	Staff prepares and submits a formal issue paper incorporating a complete description of staff and interested parties positions and submits the issue paper to management for approval.	21 days between steps 7 and 8	29
9	Internal clearance completed. Formal issue paper submitted for reproduction and distribution in order to meet the 10-day notice requirement.	15 days between steps 8 and 9	14
10	Property Tax Committee hears presentations on unresolved issues regarding the wording of the proposed new or revised rule(s) and adopt recommendations for the Board's consideration.	14 days between steps 9 and 10	0

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APPENDIX C: BOARD OF EQUALIZATION ADMINISTRATIVE MANUAL SECTION 7050

Issue Paper Policy

It is the policy of the Board of Equalization (BOE) to use standard processes, procedures, and formats in the preparation of issue papers. At the BOE, there are two types of issue papers- *Formal Issue Papers* and *Informal Issue Papers*.

Formal Issue Papers are used to provide the Board Members and/or external stakeholders information on major issues affecting the agency. These papers are for discussion and decision-making, generally in Board Committee Meeting setting. They may also be used, with Executive Director approval, to provide information to outside entities. The formal issue paper process includes the use of standard format for revenue estimates and a sign-off form (BOE-1489-I, Key Agency Issues-Executive Review) that requires that all members of the Executive Director's Group review the paper. The Executive Director is the final review on the BOE-1489-I package prior to submission to the Board Members.

Before a formal issue paper is sent out to reviewers, the originator must obtain a formal issue paper number from the Agency Planning and Research Division (APRD), Strategic Planning and Program Development Section (SPPDS). Once the BOE-1489-I review process has been completed, including the Executive Director's review and approval of the package, originators must send a copy of the issue paper, all original BOE-1489-I's with review comments on the paper, and a copy of the revenue estimate (if applicable) to the SPPDS for official file maintenance. This is to be done at the same time the paper is distributed to the Board Members.

Once the Board Members have taken an action regarding the issue paper, the originator must send a copy of the final paper, along with the supporting Board Committee meeting minutes (with the Board Approved stamp and signature of the Chief of the Board Proceedings Division) to the SPPDS for inclusion in the agency's official formal issue paper files.

Informal Issue Papers are used internally and provide information to BOE management on programmatic issues. Informal issue papers can become formal and, at that time, must be revised and expanded into the formal issue paper format.

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APPENDIX D: BOARD OF EQUALIZATION ADMINISTRATIVE MANUAL SECTION 0104.2

Committee Meeting Minutes

Board Committee Meeting Minutes are the summary record of each meeting. The assigned committee staff executive manager drafts the Committee minutes for review by the Assistant Chief Counsel and approval by the Executive Director and the Committee Chair. Legislative Committee minutes do not require Chief Counsel review. After the Committee Chair's approval, on the day before (or the morning of the day that) the minutes are to be presented at the Board's administrative session for approval, the committee staff executive manager shall distribute one copy of the minutes to each Board Member's office and the original and seven copies of the signed minutes to the Board Proceedings Division.

The Committee minutes must be drafted and approved in a timely manner so as to be considered for final approval by the Board at the administrative session that week. Following Board action at the administrative session, the Chief of the Board Proceedings Division will sign and distribute the original *Board Committee Meeting Minutes* labeled "Board Adopted" (or "Not Adopted" or "Adopted, except....") to the committee staff executive manager, who will distribute approved copies to persons on the Committee's mailing list, as appropriate.

At the first Executive Director's Group meeting after the Board approves the minutes, the Executive Director's Group will review the approved *Board Committee Meeting Minutes* to confirm the nature and content of staff assignments, to ensure that all assignments are made, and to avoid duplication of effort.

A standard agency template, BOE Form 1587, must be used for *Board Committee Meeting Minutes*. This template is available in electronic format and can be found on the EPC directory. The format and guidelines for *Board Committee Meeting Minutes* are attached as [BEAM Exhibit 0104.2B](#).

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BOARD COMMITTEE MEETING MINUTES [Exhibit 0104.2B]

STATE OF CALIFORNIA
BOARD OF EQUALIZATION



BOARD OF EQUALIZATION

(NAME) COMMITTEE MEETING MINUTES

(NAME), COMMITTEE CHAIR

450 N STREET, SACRAMENTO

MEETING DATE: , TIME:

ACTION ITEM(S)

Agenda Item: Insert Number

Issue/Topic

This section contains a brief statement of the issue or topic as it appears on the Board Committee Meeting Agenda (e.g., Action Item or Status Report).

Committee Discussion

This section includes a concise description of the pertinent aspects of the Committee's discussion of the issue.

Committee Action/Recommendation

This section includes an accurate and concise description of any decision made or action taken regarding the issue. This would include any course of action proposed by staff in light of the Committee discussion, and statements of direction and/or assignments, if any, made to specific staff members or units by the Committee. The time frame within which the assignment(s) must be completed should also be included, as well as to whom it should be directed.